

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/24/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CIVIL RIGHTS CORPS, et al.,	:	
	:	
Plaintiffs,	:	21 Civ. 9128 (VM)
	:	
- against -	:	<u>ORDER</u>
	:	
GEORGIA PESTANA, et al.,	:	
	:	
Defendants.	:	
-----X		

**VICTOR MARRERO, United States District Judge.**

On December 10, 2021, and consistent with the Court's Individual Practices, counsel for Plaintiffs sent counsel for Defendants a three-page pre-motion letter discussing a contemplated motion for partial summary judgment. (See Dkt. No. 29.) On December 20, 2021, counsel for Defendants Melinda Katz and Georgia Pestana ("City Defendants") sent a three-page letter in response, opposing the grounds for the proposed motion. (See Dkt. No. 36.)

On December 20, 2021, counsel for City Defendants sent a three-page pre-motion letter to Plaintiffs' counsel identifying alleged deficiencies with the Complaint. (See Dkt. No. 36.) On December 30, 2021, Plaintiffs' counsel responded by pre-motion letter. (See Dkt. No. 39.) On January 5, 2022, City Defendants sent the Court a letter requesting a proposed briefing schedule, as the parties were unable to resolve their dispute. (See Dkt. No. 42.)

Also on January 5, 2022, counsel for Defendants Andrea Bonina and Hector LaSalle ("State Defendants") sent Plaintiffs' counsel a three-page letter identifying grounds for dismissal of the Complaint. (See Dkt. No. 41.) On January 12, 2022, Plaintiffs responded with a three-

page opposition letter. (See Dkt. No. 44.)

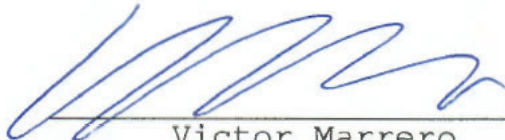
On January 14, 2022, counsel for Defendant Diana Maxfield Kearse sent counsel for Plaintiffs a three-page letter setting forth Kearse's grounds for a motion to dismiss. (See Dkt. No. 47.) Counsel for Plaintiffs responded with a three-page letter in opposition on January 21, 2022. (See Dkt. 55.)

Upon review of all pre-motion letters, the parties are hereby ordered to submit a joint proposed briefing schedule regarding Plaintiffs' anticipated motion for partial summary judgment within three days of the date of this order. Any motions for a pre-motion conference are denied at this time.

No further briefing will be accepted for the anticipated motions to dismiss. The Court will resolve all three of Defendants' anticipated motions to dismiss the Complaint on the basis of the parties' pre-motion letters. See Kapitalforeningen Lægernes Invest. v. United Techs. Corp., 779 F. App'x 69, 70 (2d Cir. 2019) (affirming the district court's ruling deeming an exchange of letters as a motion to dismiss).

**SO ORDERED.**

Dated: New York, New York  
24 January 2022

  
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Victor Marrero  
U.S.D.J.